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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 DEVON RAY HEMENWAY,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL, Deputy
Commissioner of Social Security for
Operations,

13 Defendant.

Case No. C18-5518 RSL

**ORDER DENYING
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

14 Devon Ray Hemenway seeks to proceed *in forma pauperis* for an action seeking
15 judicial review of the administrative decision denying his application for Social Security
16 benefits. Dkt. # 1. For the reasons discussed below, the court DENIES Mr. Hemenway's
17 application to proceed *in forma pauperis* (Dkt. # 1).

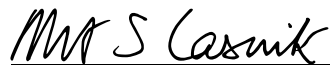
18 The district court may permit indigent litigants to proceed *in forma pauperis* upon
19 completion of a proper affidavit of indigence. 28 U.S.C. § 1915(a). "To qualify for *in*
20 *forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to
21 pay court fees and that the claims he or she seeks to pursue are not frivolous." Ogunsalu
22 v. Nair, 117 F. App'x 522, 523 (9th Cir. 2004), cert. denied, 544 U.S. 1051 (2005). To
23 meet the first prong of this test, a litigant must show that he or she "cannot because of his

1 poverty pay or give security for the costs and still be able to provide himself and
2 dependents with the necessities of life.” Adkins v. E.I. DuPont de Nemours & Co., 335
3 U.S. 331, 339 (1948) (internal alterations omitted).

4 Mr. Hemenway has not shown that he is unable to pay the full filing fee to proceed
5 with this lawsuit. Mr. Hemenway did not include any information regarding his past or
6 present employment, sources of income, expenses, or other explanations of indigence in
7 his declaration and application to proceed *in forma pauperis*. See Dkt. # 1. The Court is
8 accordingly unable to determine whether Mr. Hemenway is capable of paying the filing
9 fee, and Mr. Hemenway has therefore failed to meet his burden. Should additional
10 information or clarification alter the situation, Mr. Hemenway may reapply to proceed *in*
11 *forma pauperis*.
12

13 Accordingly, Mr. Hemenway’s application to proceed *in forma pauperis* is
14 DENIED WITHOUT PREJUDICE. Mr. Hemenway has 30 days from the date of this
15 order to pay the full \$400.00 filing fee or reapply to proceed *in forma pauperis*. If the
16 filing fee or a new application is not received within 30 days, the clerk’s office is
17 instructed to dismiss this action WITHOUT PREJUDICE.

18 DATED this 2nd day of July, 2018.
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20 
21 Robert S. Lasnik
22 United States District Judge
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